IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MFB INTERNATIONAL HOLDINGS S.À R.L., Plaintiff,	)	
v.	)	C.A. No. ______________________
ADOREME, INC., Defendant.	)	**JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

MFB International Holdings S.à r.l. ("Plaintiff" or "Maidenform") alleges as follows:

NATURE OF ACTION

1. This is an action under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, for infringement by Defendant AdoreMe, Inc. ("AdoreMe"), of U.S. Patent No. 8,262,433 ("the '433 Patent").

THE PARTIES

2. MFB International Holdings S.à r.l. is a private limited company (société à responsabilité limitée) organized under the laws of the Grand Duchy of Luxembourg, having its registered office at 33, rue du Puits Romain, L-8070 Bertrange, Grand Duchy of Luxembourg.

3. Defendant AdoreMe, Inc. is a corporation organized under the laws of Delaware that, upon information and belief, has its principal place of business at 16 E. 34th Street, 14th Floor, New York, New York, 10016.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant AdoreMe's registered agent in Delaware is National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904.

6. This Court has personal jurisdiction over AdoreMe. AdoreMe is incorporated in Delaware. Further, upon information and belief, AdoreMe solicits and transacts substantial business in the state of Delaware. Upon information and belief, AdoreMe has also committed acts of patent infringement in this District at least by selling and offering to sell brassieres that infringe Maidenform's patents in this District through its nationally-accessible website, www.adoreme.com and/or through the AdoreMe iOS and Android mobile applications. Thus, AdoreMe has purposefully availed itself of the benefits of this forum, and the exercise of jurisdiction over AdoreMe would not offend traditional notions of fair play and substantial justice.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1400.

GENERAL ALLEGATIONS

MAIDENFORM

8. For over 80 years, Maidenform has designed, developed, made, and sold a wide array of women's apparel products, including brassieres.

9. Maidenform markets and sells its products worldwide using a variety of distribution channels under such brands as Maidenform®, Flexees®, Lilyette®, Self Expressions®, and Sweet Nothings®.

10. Maidenform's longevity and success is due, in large part, to its history of designing and introducing innovative products into the market.

11. Maidenform has taken steps to protect its innovative designs, including its brassiere designs. When appropriate, Maidenform has sought and obtained patent protection for the innovative products it has developed.

THE '433 PATENT

12. Maidenform is the exclusive beneficial and economic owner of the '433 patent with the right to enforce and sue for past damages.

13. The '433 Patent was duly and legally issued by the United States Patent and Trademark Office on September 11, 2012, is active, and is entitled "Bra cup for increasing visual appearance of breast size, and brassiere incorporating the same." The '433 Patent names Steven Castellano as its inventor. A true and correct copy of the '433 Patent is attached hereto as Exhibit A.

14. The '433 Patent is presumed to be valid.

15. The '433 Patent is directed to bra cups and brassieres for increasing the visual appearance of the wearer's breasts by at least two cup sizes. Figure 1 of the '433 Patent "is a perspective view of a brassiere having bra cups in accordance with the present invention, secured about the torso of a wearer." 2:1-3. Figure 3 "is a cross-sectional view of the bra cup of FIGS. 1 and 2 . . . ." 2:6-7:

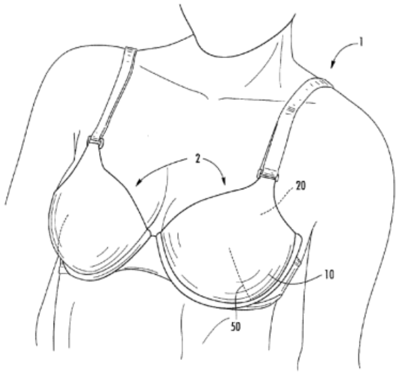


FIG. 1

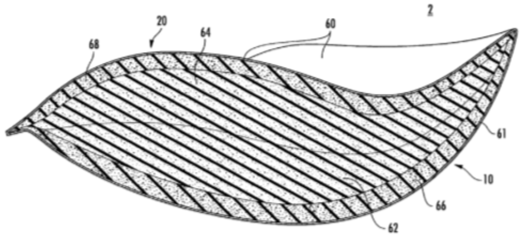


FIG. 3

16. Exemplary claim 1 of the ’433 Patent recites:

> A bra cup, comprising:
>
> an inner cup portion comprising one or more inner layers, at least one layer of the one or more inner layers having a surface with a spline-shaped cross-sectional curvature that extends between an upper edge and a lower edge of the bra cup; and
>
> an outer cup portion, attached to the inner cup portion, comprising one or more outer layers, the inner cup portion and the outer cup portion together forming the bra cup,
>
> wherein the inner cup portion is configured to support a wearer's breast of a first cup size, and to uplift and push the breast inwardly towards an opposite breast of the wearer, and
>
> wherein the outer cup portion is configured to have a second cup size at least two cup sizes larger than that of the first cup size.

ADOREME’S INFRINGING ACTIVITIES

17. AdoreMe, without Maidenform’s authorization, makes, uses, imports, sells, or offers for sale in the United States bra cups and brassieres covered by the ’433 Patent (collectively, the “Accused Products”). The Accused Products include at least the AdoreMe Add 2 Cups bras.

18. Maidenform and AdoreMe are competitors in the intimate apparel industry.

19. AdoreMe’s infringing actions have caused and continue to cause Maidenform to suffer irreparable injury to its business. Maidenform will continue to suffer substantial loss

unless AdoreMe is preliminarily and permanently enjoined from its wrongful actions complained of herein.

CLAIM FOR RELIEF
(Infringement of United States Patent No. 8,262,433)

20. Maidenform realleges and incorporates herein by reference the allegations set forth in Paragraphs 1-19 of this Complaint.

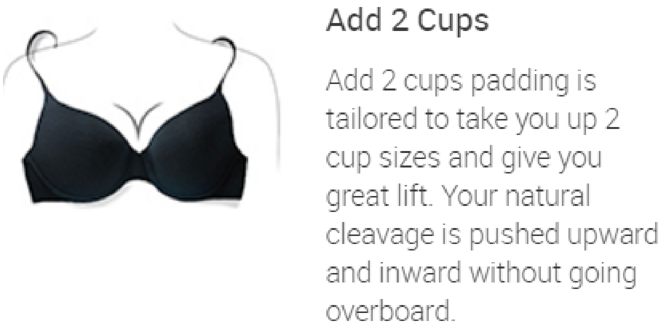
21. AdoreMe directly infringes, literally or under the doctrine of equivalents, one or more claims of the ’433 Patent by, without authority, making, using, importing, selling, or offering to sell the Accused Products within the United States, in violation of 35 U.S.C. § 271(a).

22. The Accused Products meet all the elements of at least claim 1 of the ’433 Patent.

23. The Accused Products comprise two bra cups, and each bra cup has, literally and/or by equivalents, an inner cup portion, at least one layer of which has a surface with a spline-shaped cross-sectional curvature that extends between an upper edge and a lower edge of the bra cup. For example, the following photographs of the Add 2 Cups bra show the brassiere comprising two cups and the spline-shaped cross-sectional curvature of the inner layers of the inner cup portion of the bra cups. (Photograph below from https://www.adoreme.com/bras-and-panties/irene-2-cups):

24. The Accused Products also include, literally and/or by equivalents, an outer cup portion, which is attached to the inner cup portion. For example, the photographs below show the outer cup portion of the Add 2 Cups bra and its attachment to the inner cup portion:

25. The inner cup portion of the Accused Products is, literally and/or by equivalents, configured to support a wearer's breast of a first cup size and to uplift and push the breast inwardly towards an opposite breast of the wearer. For example, as shown in the screenshot below, the "Size and Fit Guide" on AdoreMe's website, www.adoreme.com, describes the effect of the Add 2 Cups padding as follows: "Your natural cleavage is pushed upward and inward . . . .":


Add 2 Cups
Add 2 cups padding is tailored to take you up 2 cup sizes and give you great lift. Your natural cleavage is pushed upward and inward without going overboard.

26. As also shown in the screenshot above from the "Size and Fit Guide" on AdoreMe's website, the outer cup portion is, literally and/or by equivalents, configured to have a second cup size at least two cup sizes larger than that of the first cup size, such that the Accused Products increase the appearance of the wearer's breasts by "2 cup sizes."

27. AdoreMe has known of the '433 Patent since at least the date of filing of this Complaint.

28. AdoreMe's acts of infringement of the '433 Patent were undertaken without permission or license from Maidenform.

29. Maidenform has suffered monetary damages and other injuries as a result of AdoreMe's past and continuing infringement of the '433 Patent. Maidenform is entitled to recover damages adequate to compensate Maidenform for AdoreMe's infringing activities in an amount to be determined at trial but in no event less than a reasonable royalty.

30. Maidenform has been irreparably harmed by AdoreMe's past and continuing infringement of the '433 Patent, and unless enjoined by this Court, AdoreMe's acts of infringement will continue to damage Maidenform irreparably.

PRAYER FOR RELIEF

WHEREFORE, Maidenform respectfully requests that the Court:

a. Enter a judgment that AdoreMe has infringed the '433 Patent;

b. Grant a permanent injunction restraining and enjoining AdoreMe, its officers, directors, agents, servants, employees, successors, assigns, parents, subsidiaries, and affiliated or related companies from infringing the '433 Patent;

c. Award Maidenform damages in an amount sufficient to compensate Maidenform for AdoreMe's infringement of the '433 Patent, but not less than a reasonable royalty, together with interests and costs;

d. Award prejudgment interest to Maidenform under 35 U.S.C. § 284;

e. Declare this case exceptional under 35 U.S.C. § 285 and award Maidenform its expenses of litigation, including reasonable attorneys' fees; and

f. Grant such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Maidenform hereby demands a jury trial on all issues appropriately triable by a jury.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)
Jeremy A. Tigan (#5239)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
jtigan@mnat.com

Attorneys for Plaintiff

OF COUNSEL:

Matias Ferrario
Caroline K. Wray
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 607-7300

Susan A. Cahoon
Vaibhav P. Kadaba
KILPATRICK TOWNSEND & STOCKTON LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309-4528
(404) 815-6500

May 23, 2017